

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 6055 of 1992

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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BAHUCHRAJI SILK MILLS & 3 - Petitioner(s)
Versus
INDUSTRIES COMMISSIONER & 2 - Respondent(s)

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Appearance :

MR SD SUTHAR & MR GK MEHTA for Petitioners
MR LR PUJARI, AGP for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 28/12/2006

ORAL JUDGMENT

1. Shri S.D. Suthar and Shri G.K. Mehta, learned
counsel for the petitioners, Shri L.R. Pujari,
learned AGP for the State.

2. By this petition under Article 226 of the Constitution of India, four petitioners, in their capacity as members of Indira Udyognagar Cooperative Society Ltd., are claiming subsidy from the State Government under the scheme floated by the government somewhere in the year 1986. The State Government refused the subsidy on the ground that the subsidy was already disbursed in favour of original 31 members and as 15 members walked out and others were taken as members without permission of the concerned authority, it was not possible to disburse the subsidy in favour of the newly entered members.
3. The petitioners say and submit that in view of the policy of the State Government, they being members of a cooperative society, under the industrialization scheme, are entitled to the subsidy.
4. Shri L.R. Pujari, learned AGP for the State on the other hand submits that the cooperative society, namely Indira Udyognagar Cooperative Society Ltd., has undergone liquidation and proceedings are pending against it. It is also

submitted that even against the original members, recovery proceedings are going on, therefore, the petitioners would not be entitled to any relief.

5. So far as the fact that Indira Udyognagar Cooperative Society Ltd., has undergone liquidation is not challenged before this Court. if the society of which the petitioners are members has undergone liquidation, then neither society nor any member of that society would be entitled to the benefits from any corner or under the scheme of the State Government.
6. The petition deserves to and is dismissed. Rule is discharged. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

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